

petition the permitting authority for an alternative emission limitation less stringent than the applicable emission limitation.

(2) In order for the unit to qualify for an alternative emission limitation, the designated representative shall demonstrate that the affected unit cannot meet the applicable emission limitation in § 76.5, 76.6, or 76.7 based on a showing, to the satisfaction of the Administrator, that:

(i)(A) For a tangentially fired boiler, the owner or operator has either properly installed low NO_x burner technology or properly installed separated overfire air; or

(B) For a dry bottom wall-fired boiler (other than a unit applying cell burner technology), the owner or operator has properly installed low NO_x burner technology; or

(C) For a Group 1 boiler, the owner or operator has properly installed an alternative technology (including but not limited to reburning, selective non-catalytic reduction, or selective catalytic reduction) that achieves NO_x emission reductions demonstrated in accordance with paragraph (e)(11) of this section; or

(D) For a Group 2 boiler, the owner or operator has properly installed the appropriate NO_x emission control technology on which the applicable emission limitation in § 76.6 is based; and

(ii) The installed NO_x emission control system has been designed to meet the applicable emission limitation in § 76.5, 76.6, or 76.7; and

(iii) For a demonstration period of at least 15 months or other period of time, as provided in paragraph (f)(1) of this section:

(A) The NO_x emission control system has been properly installed and properly operated according to specifications and procedures designed to minimize the emissions of NO_x to the atmosphere;

(B) Unit operating data as specified in this section show that the unit and NO_x emission control system were operated in accordance with the bid and design specifications on which the design of the NO_x emission control system was based; and

(C) Unit operating data as specified in this section, continuous emission

monitoring data obtained pursuant to part 75 of this chapter, and the test data specific to the NO_x emission control system show that the unit could not meet the applicable emission limitation in § 76.5, 76.6, or 76.7.

(b) *Petitioning process.* The petitioning process for an alternative emission limitation shall consist of the following steps:

(1) Operation during a period of at least 3 months, following the installation of the NO_x emission control system, that shows that the specific unit and the NO_x emission control system was unable to meet the applicable emissions limitation under § 76.5, 76.6, or 76.7 and was operated in accordance with the operating conditions upon which the design of the NO_x emission control system was based and with vendor specifications and procedures;

(2) Submission of a petition for an alternative emission limitation demonstration period as specified in paragraph (d) of this section;

(3) Operation during a demonstration period of at least 15 months, or other period of time as provided in paragraph (f)(1) of this section, that demonstrates the inability of the specific unit to meet the applicable emissions limitation under § 76.5, 76.6, or 76.7 and the minimum NO_x emissions rate that the specific unit can achieve during long-term load dispatch operation; and

(4) Submission of a petition for a final alternative emission limitation as specified in paragraph (e) of this section.

(c) *Deadlines*—(1) *Petition for an alternative emission limitation demonstration period.* The designated representative of the unit shall submit a petition for an alternative emission limitation demonstration period to the permitting authority after the unit has been operated for at least 3 months after installation of the NO_x emission control system required under paragraph (a)(2) of this section and by the following deadline:

(i) For units that seek to have an alternative emission limitation demonstration period apply during all or part of calendar year 1996, or any previous calendar year by the later of:

(A) 120 days after startup of the NO_x emission control system, or

(B) May 1, 1996.

(ii) For units that seek an alternative emission limitation demonstration period beginning in a calendar year after 1996, not later than:

(A) 120 days after January 1 of that calendar year, or

(B) 120 days after startup of the NO_x emission control system if the unit is not operating at the beginning of that calendar year.

(2) *Petition for a final alternative emission limitation.* Not later than 90 days after the end of an approved alternative emission limitation demonstration period for the unit, the designated representative of the unit may submit a petition for an alternative emission limitation to the permitting authority.

(3) *Renewal of an alternative emission limitation.* In order to request continuation of an alternative emission limitation, the designated representative must submit a petition to renew the alternative emission limitation on the date that the application for renewal of the source's Acid Rain permit containing the alternative emission limitation is due.

(d) *Contents of petition for an alternative emission limitation demonstration period.* The designated representative of an affected unit that has met the minimum criteria under paragraph (a) of this section and that has been operated for a period of at least 3 months following the installation of the required NO_x emission control system may submit to the permitting authority a petition for an alternative emission limitation demonstration period. In the petition, the designated representative shall provide the following information in a format prescribed by the Administrator:

(1) Identification of the unit;

(2) The type of NO_x control technology installed (e.g., low NO_x burner technology, selective noncatalytic reduction, selective catalytic reduction, reburning);

(3) If an alternative technology is installed, the time period (not less than 6 consecutive months) prior to installation of the technology to be used for the demonstration required in paragraph (e)(11) of this section.

(4) Documentation as set forth in § 76.14(a)(1) showing that the installed

NO_x emission control system has been designed to meet the applicable emission limitation in § 76.5, 76.6, or 76.7 and that the system has been properly installed according to procedures and specifications designed to minimize the emissions of NO_x to the atmosphere;

(5) The date the unit commenced operation following the installation of the NO_x emission control system or the date the specific unit became subject to the emission limitations of § 76.5, 76.6, or 76.7, whichever is later;

(6) The dates of the operating period (which must be at least 3 months long);

(7) Certification by the designated representative that the owner(s) or operator operated the unit and the NO_x emission control system during the operating period in accordance with: Specifications and procedures designed to achieve the maximum NO_x reduction possible with the installed NO_x emission control system or the applicable emission limitation in § 76.5, 76.6, or 76.7; the operating conditions upon which the design of the NO_x emission control system was based; and vendor specifications and procedures;

(8) A brief statement describing the reason or reasons why the unit cannot achieve the applicable emission limitation in § 76.5, 76.6, or 76.7;

(9) A demonstration period plan, as set forth in § 76.14(a)(2);

(10) Unit operating data and quality-assured continuous emission monitoring data (including the specific data items listed in § 76.14(a)(3) collected in accordance with part 75 of this chapter during the operating period) and demonstrating the inability of the specific unit to meet the applicable emission limitation in § 76.5, 76.6, or 76.7 on an annual average basis while operating as certified under paragraph (d)(7) of this section;

(11) An interim alternative emission limitation, in lb/mmBtu, that the unit can achieve during a demonstration period of at least 15 months. The interim alternative emission limitation shall be derived from the data specified in paragraph (d)(10) of this section using methods and procedures satisfactory to the Administrator;

(12) The proposed dates of the demonstration period (which must be at least 15 months long);